

Remarks

Claims 1 through 14 are pending in the application. In the Office Action mailed July 27, 2007, the Examiner rejected claims 1 through 3 and 8 through 10 under Section 103 as being unpatentable over United States Patent No. 5,024,041 to Urban and United States Patent No. 2,922,186 to Sartore. The Examiner rejected claims 4 through 7 and 11 through 14 under Section 103 as being unpatentable over Urban in view of Sartore and United States Patent No. 5,135,770 to Underwood.

Applicant submits amendments to the two independent claims, claims 1 and 8, and respectfully requests reconsideration of these rejections. Applicant amends these two claims to clarify that the diameter of the shir housing is greater than the diameter of the netting tube, which is greater than the diameter of the filling horn. Accordingly, the two independent claims now recite “said netting tube having a diameter intermediate to said outside diameter of said filling horn and said inside diameter of said shir housing”. This limitation is specifically described at page 5, lines 1 and 2, of the present application, as well as being illustrated in Figures 1 and 2. Accordingly, no new matter is added.

In the view of the Examiner, Urban describes a process using a filling horn, a shir housing, and a netting tube 27. *See* Office Action at page 2, third paragraph. Applicant traverses this conclusion.

Urban describes a counterpart to Applicant’s filling horn, that counterpart being Urban’s stuffing horn 5 (*see* column 3, line 64). Urban describes a counterpart to Applicant’s netting tube, that counterpart being Urban’s support tube 14 (*see* column 4, line 3). (Please note that Urban’s element 27 is the actual netting, as described at column 4, lines 21-24.) Urban does not, however, describe the shir housing as claimed in the present application.

Urban's netting tube 14 attaches, by pins 12, 13 through flange 15, to nut 8 and then to container wall 1. In this configuration, Urban creates a consistently-sized space between his filling horn and his netting tube, as can be clearly seen in Urban's sole drawing figure. Urban is therefore limited in the amount of casing that he can shir onto his filling horn.

Applicant, in contrast, describes and claims a shir housing 10, at the upstream end of filling horn 30. Netting tube 20 is releasably attached to shir housing 10 and has a smaller diameter than shir housing 10. Shir housing 10 therefore hosts a larger coaxial space between the filling horn and the netting tube, as can be seen in Figure 1. This larger space allows for a much greater amount of casing to be shirred onto the netting tube, as shown in Figure 2.

Urban does not describe this structure. Sartore, who only describes a single filling tube, similarly does not describe this structure. Applicant's structure is therefore patentably distinct from the combination of Urban and Sartore. The combination of these two prior art references therefore does not result in the invention claimed in independent claims 1 and 8. Applicant therefore respectfully requests allowance of those claims.

Because the combination of Urban and Sartore does not describe the invention of the independent claims, the combination similarly does not describe the dependent claims. Applicant therefore respectfully requests allowance of dependent claims 2, 3, 9, and 10.

Similarly, since Urban and Sartore do not describe the invention of the independent claims, the combination of these two references with Underwood does not describe the dependent claims relating to dye or flavoring. Regardless of the teaching of Underwood, the combination of Urban, Sartore, and Underwood still does not describe those dependent claims. Applicant accordingly respectfully requests allowance of dependent claims 4 through 7 and 11 through 14 as well.

Applicant also makes amendments to the claims for clarity and not for reasons of patentability. Applicant amends claim 8 to clarify that the housing is a shir housing, for consistency with claim 1. Applicant also changes some commas to semicolons and deletes an extraneous clause from claim 1.

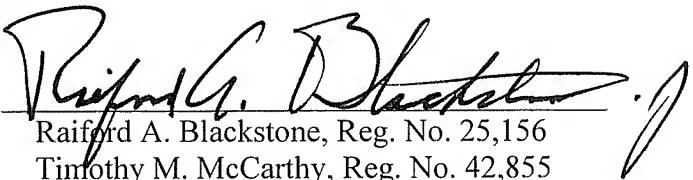
Summary

Applicant's independent claims recite structure patentably distinct from the structure described in the cited prior art. Therefore, this Amendment places the present application in condition for allowance. Should the present claims not be deemed adequate effectively to define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,
POLY-CLIP SYSTEM CORP.

Date: January 28, 2008

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